



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KENNETH TOBIN,

Plaintiff,

v.

GRANITE GAMING GROUP II, LLC, a
Nevada limited liability company d/b/a/
GIRLS OF GLITTER GULCH,

Defendant.

2:07-CV-577-BES-PAL

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge (#39) ("Recommendation") entered on February 29, 2008, in which the Magistrate Judge recommends that this Court enter an order that dispositive sanctions be imposed and that this matter be dismissed with prejudice due to Plaintiff's counsel's failures to comply with Court orders, failures to comply with discovery obligations, the Federal Rules of Civil Procedure, and the Local Rules of Practice, failures to appear at multiple Court ordered proceedings before the Court, and failures to communicate with opposing counsel. No objection to the Report and Recommendation has been filed.

I. DISCUSSION

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1) (2005). Further, under 28 U.S.C. § 636(b)(1), if a party makes a timely objection to the magistrate judge's recommendation, then this Court is required to "make a de novo determination of those

1 portions of the [report and recommendation] to which objection is made.”¹ Id. Nevertheless,
2 the statute does not “require[] some lesser review by [this Court] when no objections are filed.”
3 Thomas v. Arn, 474 U.S. 140, 149–50 (1985). Instead, under the statute, this Court is not
4 required to conduct “any review at all . . . of any issue that is not the subject of an objection.”
5 Id. at 149. Similarly, the Ninth Circuit has recognized that a district court is not required to
6 review a magistrate judge’s report and recommendation where no objections have been filed.
7 See United States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
8 of review employed by the district court when reviewing a report and recommendation to which
9 no objections were made); see also Schmidt v. Johnstone, 263 F.Supp. 2d 1219, 1226 (D.
10 Ariz. 2003) (reading the Ninth Circuit’s decision in Reyna-Tapia as adopting the view that
11 district courts are not required to review “any issue that is not the subject of an objection.”).
12 Thus, if there is no objection to a magistrate judge’s recommendation, then this Court may
13 accept the recommendation without review. See e.g., Johnstone, 263 F.Supp. 2d at 1226
14 (accepting, without review, a magistrate judge’s recommendation to which no objection was
15 filed).

16 In this case, Plaintiff has not filed an objection to the Magistrate Judge’s Report and
17 Recommendation. Because no objections were filed, this Court is not required to review the
18 Report and Recommendation, and therefore accepts it. Accordingly,

19 IT IS THEREFORE ORDERED that the Magistrate Judge’s Report and
20 Recommendation (#39) entered on February 29, 2008, is adopted and accepted without
21 modification. Thus, in accordance with the Report and Recommendation, Defendants’ Motion
22 to Dismiss (Doc #34) is GRANTED.

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28 ¹ For an objection to be timely, a party must serve and file it within 10 days after being
served with the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1) (2005).

1 IT IS FURTHER ORDERED that this is action be DISMISSED with prejudice. The Clerk
2 of the Court shall enter judgment accordingly.

3 IT IS SO ORDERED.

4 DATED: This 17th day of March, 2008.

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UNITED STATES DISTRICT JUDGE